

## Department of Defense

204.670-1

### Subpart 204.4—Safeguarding Classified Information Within Industry

#### 204.402 General.

(1) Subpart 239.74 contains policy and procedures for securing telecommunications between Government agencies and contractors and subcontractors.

(2) Pursuant to section 808 of Pub. L. 102-190, DoD employees or members of the Armed Forces who are assigned to or visiting a contractor facility and are engaged in oversight of an acquisition program will retain control of their work product. Classified work products of DoD employees or members of the Armed Forces shall be handled in accordance with DoD 5220.22-M, National Industrial Security Program Operating Manual, and DoD 5220.22-R, Industrial Security Regulation. Contractor procedures for protecting against unauthorized disclosure of information shall not require DoD employees or members of the Armed Forces to relinquish control of their work products, whether classified or not, to a contractor.

[57 FR 14992, Apr. 23, 1992, as amended at 64 FR 51075, Sept. 21, 1999]

#### 204.404 Contract clause.

##### 204.404-70 Additional contract clauses.

(a) Use the clause at 252.204-7000, Disclosure of Information, in solicitations and contracts when the contractor will have access to or generate unclassified information that may be sensitive and inappropriate for release to the public.

(b) Use the clause at 252.204-7003, Control of Government Personnel Work Product, in all solicitations and contracts.

(c) Use the clause at 252.204-7005, Oral Attestation of Security Responsibilities, in solicitations and contracts that include the clause at FAR 52.204-2, Security Requirements.

[57 FR 14992, Apr. 23, 1992, as amended at 64 FR 45197, Aug. 19, 1999]

### Subpart 204.6—Contract Reporting

#### 204.600 Scope of subpart.

The Defense Contract Action Data System (DCADS) (see 204.670) is the DoD reporting system that supports

the uniform reporting requirements for—

(1) DD Form 350, Individual Contracting Action Report; and

(2) DD Form 1057, Monthly Summary of Contracting Actions.

[65 FR 39708, June 27, 2000]

#### 204.601 Record requirements.

(a) The DCADS meets FAR Subpart 4.6 record retention requirements.

(d) The Directorate for Information, Operation, and Reports (DIOR), of the Washington Headquarters Services (WHS) transmits required DoD information to the Federal Procurement Data System.

[65 FR 39708, June 27, 2000]

#### 204.602 Federal Procurement Data System.

(c) DoD uses the DD Form 350, Individual Contracting Action Report, instead of the SF 279, Federal Procurement Data System (FPDS) Individual Contract Action Report. DoD uses the DD Form 1057, Monthly Summary of Contracting Actions, instead of the SF 281, FPDS Summary Contract Action Report (\$25,000 or Less).

[65 FR 39708, June 27, 2000]

#### 204.670 Defense Contract Action Data System (DCADS).

##### 204.670-1 Definitions.

As used in this section and 253.204-70 and 253.204-71—

(a) *Contract administration office* means an office, other than the contracting office, which awards or executes contracting actions on behalf of the contracting office, including actions relating to the settlement of terminated contracts.

(b) *Contracting action* means any action related to the purchasing, renting, or leasing of supplies, services, or construction. The term does not include grants, cooperative agreements, or training authorizations. The term includes, but is not limited to, the following:

(1) Definitive contracts, including notices of award.

(2) Letter contracts.

(3) Purchase orders.

(4) Purchases made using the Governmentwide commercial purchase card.

(5) Actions for purchase of land or rental or lease of real property.

(6) Orders under existing contracts or agreements, *e.g.*—

(i) Orders against basic ordering agreements, including service orders issued on DD Form 1164, Service Order for Personal Property, by installation transportation offices;

(ii) Calls against blanket purchase agreements;

(iii) Job orders;

(iv) Task orders;

(v) Delivery orders;

(vi) Communication services authorizations; and

(vii) Notices of termination or cancellation.

(7) Contract modifications, *e.g.*—

(i) Change orders;

(ii) Supplemental agreements;

(iii) Funding actions; and

(iv) Option exercises.

(c) *Departmental data collection points* means—

(1) For the Army (including Corps of Engineers Civil Works): Department of the Army, ATTN: SAAL-PA, 5109 Leesburg Pike, Suite 302, Falls Church, VA 22041-3201.

(2) For the Navy: Fleet Industrial Supply Center, Norfolk Detachment Washington, DC, ATTN: PMRS, Code 02W4.A, 1014 N Street SE, Suite 400, Washington Navy Yard, Washington, DC 20374-5014.

(3) For the Air Force: SAF/AQCX, 1060 Air Force Pentagon, Washington, DC 20330-1060.

(4) For the Defense Logistics Agency: Headquarters, Defense Logistics Agency, ATTN: Procurement Management Directorate (Acquisition Programs Team), 8725 John J. Kingman Road, Suite 3147, Fort Belvoir, VA 22060-6221.

(5) For the Defense Contract Management Agency (excluding contract administration office responsibilities in 204.670-4): Defense Contract Management Agency, ATTN: DCMA-DSP, 6350 Walker Lane, Suite 300, Alexandria, VA 22310-3226.

(6) For other DoD contracting activities: Department of the Army, ATTN: SAAL-PA, 5109 Leesburg Pike, Suite 302, Falls Church, VA 22041-3201.

(d) *United States and outlying areas* is defined in Federal Information Processing Standard Publication (FIPS PUB) 55, Guideline: Codes for Named Populated Places, Primary County Divisions, and Other Locational Entities of the United States and Outlying Areas. Outlying areas are—

(1) American Samoa;

(2) The Federated States of Micronesia;

(3) Guam;

(4) The Marshall Islands;

(5) Northern Mariana Islands;

(6) The Trust Territory of Palau;

(7) Puerto Rico;

(8) The U.S. Minor Outlying Islands; and

(9) The U.S. Virgin Islands.

[56 FR 36289, July 31, 1991, as amended at 60 FR 61592, Nov. 30, 1995; 61 FR 51030, Sept. 30, 1996; 62 FR 34121, June 24, 1997; 64 FR 51075, Sept. 21, 1999; 65 FR 39708, June 27, 2000; 66 FR 47096, Sept. 11, 2001; 67 FR 46113, July 12, 2002]

#### **204.670-2 Reportable contracting actions.**

(a) Except as provided in paragraph (c) of this subsection, complete a DD Form 350 for the following types of contracting actions in accordance with the instructions in 253.204-70:

(1) Actions that obligate or deobligate more than \$25,000, except actions summarized on DD Form 1057 in accordance with paragraph (b)(2) or (3) of this subsection.

(2) Actions that obligate or deobligate \$25,000 or less and are—

(i) Under a very small business set-aside (see FAR Subpart 19.9);

(ii) Requirements that DoD is processing for a non-DoD Federal agency;

(iii) Multiple reports required by 204.670-6(c)(1) to separate foreign military sales (FMS) requirements from non-FMS requirements; or

(iv) In a designated industry group under the Small Business Competitiveness Demonstration Program (see FAR Subpart 19.10), except for—

(A) Foreign military sales;

(B) Orders or modifications under Federal schedules;

(C) Actions with government agencies;

(D) Actions with non-U.S. business firms; and